

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

## FOR PURPOSES OF CONSIDERATION OF THE HIGHLANDS AT WARNER SPRINGS SPA 06-001, TM 5450RPL<sup>2</sup>, ER 81-04-006A

March 13, 2008

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
☒

NO  
☐

NOT APPLICABLE/EXEMPT  
☐

Discussion:

As required by Section 67.720 of the San Diego County Groundwater Ordinance, a groundwater investigation has been completed and approved by the County Groundwater Geologist and it has been found that groundwater resources are adequate to meet the groundwater demands of the project.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

***Wetland and Wetland Buffers:***

Even though wetlands and/or wetland buffer areas have been identified on the project for a wetland on an adjacent property, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas.

The site contains an RPO wetland buffer which if disturbed would result in a significant impact. The entire RPO wetland buffer will be placed in an open space easement prior to recordation of the Final Map. There will be no net loss of wetlands and therefore no significant impact will occur.

***Floodways and Floodplain Fringe:***

The project is not located near any floodway or floodplain fringe area as defined in the Resource Protection Ordinance (RPO), nor is it near a watercourse plotted on any official County floodway or floodplain map.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands on Lots 1, 2, 3, 5, 14, 15, 16, 27 and 28. Therefore, the project is in conformance with the RPO.

***Sensitive Habitats:***

No sensitive habitat lands were identified on the site as determined on a site visit conducted by Maggie Loy on April 9, 2006. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist, Brian Smith on February 15-17 and November 2-3, 2005 and it has been determined that the property does not contain any archaeological or historical sites.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

☐

NO

☐

NOT APPLICABLE

☒

Discussion:

The project is not located in a County Urban Area as defined by the WPO. A Stormwater Management Plan, prepared by San Dieguito Engineering Inc., and dated November 7, 2007 was completed for the project and is deemed adequate for CEQA purposes.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

☒

NO

☐

NOT APPLICABLE

☐

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout. The project has also incorporated a 60-foot Irrevocable Offer of Dedication along Los Coyotes Road to ensure that residences are not developed in noise affected portions of the property.

According to the Traffic Noise Planning Report prepared by Eilar Associates and dated January 31, 2007, noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

ND03-08\8104006A-ORDCHKLST